

EVALUATION OF INDIAN E-JUDICIARY SYSTEM

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ABSTRACT

The rapid accumulation and slow disposal rate of pending cases has increased burden on our judicial system tremendously. On the other hand, the cost and inefficiency of dealing with records has crept up slowly over the time and become extremely cumbersome. The problem lies not only in the lack of institutional facilities, but also in the very mindset of the legal community. Today, with the increased level of IT literacy among the general public, there is increased demands on the Government to embrace ICTs at various levels of Courts. E-Judiciary mission mode project is a much needed judicial reforms in India. We have reached a stage where deployment of ICT in Supreme Court and the High Courts has reached a significant level of maturity. However, the lower judiciary, District and Taluk courts across the country are largely untouched by the ICT revolution. This is a conceptual paper to explore the functioning of of ICTs in Indian Judiciary System.

Keywords: E-Judiciary, ICT revolution, Legal Community.

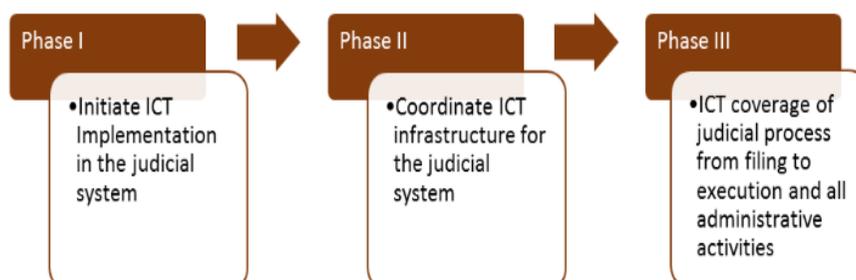
I. INTRODUCTION

The Indian judiciary comprises of nearly 15,000 courts situated in approximately 2,500 court complexes across the country. The Indian judiciary has faced a huge number of pending cases in district and subordinate courts, which sets the background for implementation of ICT in courts. The e-courts project is enabling courts to make justice delivery system affordable and cost-effective with the implementation of ICT in judicial system. This would help in improving the court processes and rendering citizen-centric services. The mission mode project aimed at developing, installing and implementation of automated decision-making and decision-support systems in the Supreme Court, the High Courts and the subordinate courts across the nation.

Under the e-Courts mission mode project, it is proposed to implement ICT in Indian judiciary in 3 phases Phase II, which is currently is in progress, aims at setting up of centralised filing centres, digitization of documents, adoption of document management systems, creation of e-filing and e-payment gateways. However, there is lack of awareness about the potential of e-court project among judges as well as public at large.

II. CONCEPT OF E-COURTS

E-courts are aimed to make legal processes easier and more user friendly. In an e-court, the entire work is executed digitally, wherein, the information that is shared and generated is stored as a database and synched to a particular software. This software can be accessed by litigants, judges and advocates anytime and anywhere. The primary intention of e-courts is to make the justice delivery system affordable, speedy, transparent and accountable by limiting the paper filings. The e-courts mission mode project is conceptualised on the basis of the "National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary -2005" prepared by the e-Committee of the Supreme Court of India. The Strategic Plan suggested a three-phased implementation plan for incorporating ICTs into Indian courts.



III. REVIEW OF LITERATURE

Kshitiz Verma(2018), the researcher in his study found that Indian Judiciary has already taken substantial steps modernization of the courts in India. There is still, however, a long way to go as millions of pending cases are to be disposed properly and timely without compromising on the quality of justice. His study states that the mechanisms have to be so designed such that not only the current backlog of cases reduces but also that no piling of the newly registered cases occur.

Dr. Setlur B. N. Prakash(2014)'s study stated that the law as a constant need to be understood as in digital form to find out where there is deviation and so also to find out the degree of deviation. When the deviation is too much then the person could be considered as a deviant and appropriate rehabilitative steps or even if need be penal actions in accordance with constitutional goals could be taken to make the Rule of Law a reality than to allow the things to be governed by Rule by law.

Shalini Seetharamand Sumathi Chandrashekar(2016), in their study found that ICTs have the power to transform the justice system, as evidenced by the automation of activities such as case filing, scrutiny, registration, case allocation, court diaries, calculation of court fees, issue of certified copies of orders and judgements and their publication online. However, the progress made in theeCourts project has been slow, considering the time taken to achieve this level of computerisation, and the pending activities that remain to be completed still.

IV. OBJECTIVES OF THE STUDY

The study was planned with the following objectives;

- To identify the components of E-Judiciary System in India.
- To list out the benefits of E-Judiciary System to all its stakeholders.
- To critically examine the major challenges faced for successful implementation of E-Judiciary System in India.

V. RESEARCH METHODOLOGY

The present study is purely based on secondary data collected through literature survey, journals, newspapers, websites and published articles relating to this particular topic.

VI.COMPONENTS OF INDIAN E-JUDICIARY SYSTEM

The main components of E-Judiciary System in India are:

- i. **Creation of Computer Room at all the complexes/ site preparation:** A dedicated area for housing the servers and related ICT equipment (computer server room/ CSR) has been set up at each subordinate court complex. A Judicial Service Centre has also been setup in each court complex, as a citizen service interface counter for provision of various services such as case filing and status enquiry.
 - ii. **Providing Laptops and Laser Printers to Judicial Officers:** Laptops have been provided to each judicial officer to enable them to work from their chamber, court room and home office in an effective manner. The project aims to enhance the capacity of all judicial officers to supervise and guide the process of computerization of courts.
 - iii. **ICT Training for Judges &their Staff:** ICT training will be imparted to judicial officers and court staff to make them familiar with and proficient in the use of ICT tools.
- iv. **Technical Manpower:** Technical manpower is deployed at all district courts, High Courts, High Court Benches and Supreme Court under the project. The technical manpower provides 'troubleshooting' support and necessary maintenance and training support at the court complex and assistance in the transition from a manual case management system towards an ICT-enabled one.
- v. **Computer Hardware:** To make the subordinate courts ICT-enabled in the country, each court complex has been equipped with the required computer hardware such as desktops, printers, servers and scanners. Each judge and his/ her support staff is provided with four client machines and three printers; common service sections are provided with thin clients and printers, and ICT hardware such as servers and scanners are installed in computer server rooms in each court complex.
- vi. **Communication, Connectivity and Local Area Network:**
 - Procurement and installation of Local Area Network (LAN) in all court complexes.
 - Internet connectivity for judges/ court complexes.
 - All court complexes are connected under the State Wide Area Network (SWAN) and also provided last mile connectivity from SWAN's Point of Presence (PoP) to the court complexes.

vii. Power Back-up: UPS and DG sets have been provided to create the necessary power back-up facilities for ICT infrastructure in a court complex. UPS provides power back-up to desktops and servers; DG sets are used to provide power back-up to ICT infrastructure in the Computer Server Room and the Judicial Service Centre.

viii. Upgrade of ICT Infrastructure of the Supreme Court and High Courts: The existing ICT infrastructure has been upgraded at the Supreme Court and all High Courts by providing additional servers, client machines, networking equipment, power infrastructure, cabling, etc.

ix. Development of Application Software: Unified National Core version 1.0 of the Case Information Software has been developed and deployed in district and subordinate courts to automate the case management lifecycle and all major processes such as case filing, scrutiny, registration, allocation and court diary/ proceedings. Cause lists, case status, certified copies of orders and copy of judgments will also be made available for online download or viewing. This is in use in almost all the states.

x. System Software, Office Tools: System software such as an Operating System for servers and desktops and office tools has been provided to client machines/ servers.

xi. Digital Signature: Digital signature certificates have been provided to all judicial officers. It enables them to sign the judgement or any electronic official documents digitally when required.

xii. Creation & Upgrading of Centralized facility for system administration: A centralized facility has been established for maintaining the Network Operating Centre and central database, managing the judicial data grid and sustaining the dedicated portal for use by the entire judiciary. NIC state data centres will be used to co-locate servers for the judicial data of each High Court and a National Data Centre will be set up in the NIC Data Centre along with one Disaster Recovery site.

xiii. Video Conferencing in approximately at 500 locations: Video conference connectivity is being established in 500 locations between prisons and district courts to allow virtual interfacing of a judge with witnesses, holding conferences and meetings, production of under-trial prisoners, etc. The facility would need to be installed in the prisons and within the court complex premises.

VII. KEY STAKEHOLDERS OF E-JUDICIARY SYSTEM IN INDIA

a) Organisation:

- High Courts and Subordinate Courts

b) Monitoring Agency:

- Department of Justice, GoI
- E-Committee, Supreme Court of India

c) Officials:

- Judicial Officers
- Office bearers (Registrar & Central Project Co-ordinator)
- Court Staff (Court Master, Clerk, ICT Specialist/System Administrator)

d) Beneficiaries

- Advocates and Litigants

e) Implementing Agency

- NIC

VIII. BENEFITS OF E-JUDICIARY SYSTEM

The important benefits of the E-Judiciary System are the following:

- Allows electronic monitoring of court-wise case pendency and other key monitoring parameters with reference to courts.
- Greater control over management of cases leads to faster disposal of cases and reduction in pendency.
- Decrease in the time and effort on daily operational activities and a reduction in the movement of stakeholders to courts.
- Efficient and effective service delivery in consonance with access to justice for all, ensuring fast and fair trials.
- Citizen can avail of services at the Judicial Service Centre or access the information through the Web at anytime and from anywhere.

IX. CHALLENGES OF E-JUDICIARY SYSTEM IN INDIA

The eCourts Integrated Mission Mode Project has noteworthy objectives where the main aim is ICT enablement at the courts in districts and taluk level courts. It has provided hardware, application software, namely, the Case Information System, and training to judges and court officials to run the system. The project has achieved more than 90% in ICT deployment. At the same time, it is an achievement in terms of asset creation. All the outcomes could not be achieved due to various challenges.

- I. **Upgrade of infrastructure:** The existing courthouses in subordinate courts should be revamped since the current rooms are tiny. The Judicial Service Centre and server room should be located in two different rooms of the courthouse. Proper road directions should be given to reach the Judicial Service Centre. Power back-up should be provided in all the court complexes, consisting of a DG set and UPS.
- II. **Increase in supply of hardware:** Hardware is provided under the eCourts project, but it is not adequate to convert the entire system to a computerised one. Therefore, it is necessary to provide enough computers, printers and scanners along with other computer accessories. The quality of computers, printers, scanners and Internet connectivity should be thoroughly checked and improved.
- III. **Capacity building in terms of manpower:** Specialised manpower should be hired to run the system efficiently. They should have thorough technical knowledge. The position of court managers remains vacant or is not floated in various courts. This position should be created and competent young people should be hired in all the subordinate courts. The responsibility of technical staff and the court manager should be clearly laid out. An appropriate incentive mechanism may attract skilled people. The new position should be permanent and contract staff can be hired in the transition phase, with renewal of their contracts based on performance.
- IV. **Continuous training to concerned officials:** Since court officials play a crucial role in the eCourts project as end-users, they need long-term training. A report published by the Judicial Commission of New South Wales, Australia mentions that they have been providing computer training to their staff for more than two decades. The training programme should include the provision of fresh training for new employees along with a refresher course for old employees. Judicial officers also need training on a regular basis.
- V. **Continuous data entry:** Data entry should be done on a continuous basis so that the latest case update always takes place in all the court complexes irrespective of its physical location. Change management should be serious enough to make the data entry process uninterrupted.
- VI. **Improvement in connectivity:** Court complexes in remote locations suffer due to low connectivity. One main important condition for the success of the project is uninterrupted connectivity. Internet as well as electrical connectivity needs to be improved.
- VII. **Awareness creation:** Awareness creation about the project is of utmost importance for the success of the project. Awareness should be increased among citizens since computerisation in the courts is meant to improve the service delivery mechanism. This is possible through campaigns on the radio and television. Since the majority of users lack education, such campaigns through audio-visual media would be helpful. A demo of the project could be run in the court complexes through display board or kiosks. Lawyers also lack knowledge about the eCourts project. They play a crucial role as a link between litigants and the judicial system.
- VIII. **Customisation of application software:** The CIS application needs to be customised. The application software could consist of a core version along with a peripheral version. The core version may be controlled by NIC while lower courts in different states may have the access to customise the database using the peripheral version. Security of data can be maintained through proper data classification.

X.CURRENT STATUS OF E-COURT PROJECT

The project envisages deployment of Hardware, Software and Networking to assist district and Taluk level courts in streamlining their day to day functioning. Key functions such as case filing, allocation, registration, case work-flow, orders and judgments will be ICT enabled. Cause-Lists, Case-Status, Orders, and Judgments will be made available on the web and made accessible to litigants, advocates and general public. The project aims to build a National Grid of key Judicial information available all round the clock in a reliable and secure manner.

For Data management, already the Application software developed by NIC called Case Information System (CIS) Software for District and sub-ordinate courts has been tested in many of the major pilot sites and is being fully functional now. Automated Mailing Service is recently launched which gives the information to

particular litigants and lawyers all the developments by a single mail. SMS Push Service has been widely used across the country and more popular in remote areas where mobile phones without internet facility are used by the litigants and lawyers. The government has brought online connectivity to about 2,992 district and lower courts across the country by the end 2018. Under the latest phase of the e-courts programme, the state-run Bharat Sanchar Nigam Limited (BSNL) will connect subordinate courts with 'wide area network' connectivity at a cost of 167 crores. Video-conferencing facilities between 488 court complexes and 342 corresponding jails are also installed. The NJDG is an online platform that now provides information on proceedings and decisions of 16,089 computerised district-level courts.

3 applications of e-filing, e-pay, and NSTEP (National Service and Tracking of Electronic Processes) created under the eCourts project were launched first. The second phase of the eCourts project is implemented by Department of Justice during 2015 - 19 under the guidance of eCommittee, Supreme Court of India for ICT enablement of all district and subordinate courts in the country. The number of electronic transactions transacted under eCourt project as per the data available on eTaal is very high and are amongst top 5 performers with number of electronic transactions being more than 40 crore.

Figure 1: E-Courts project-E-Transactions recorded on eTaal

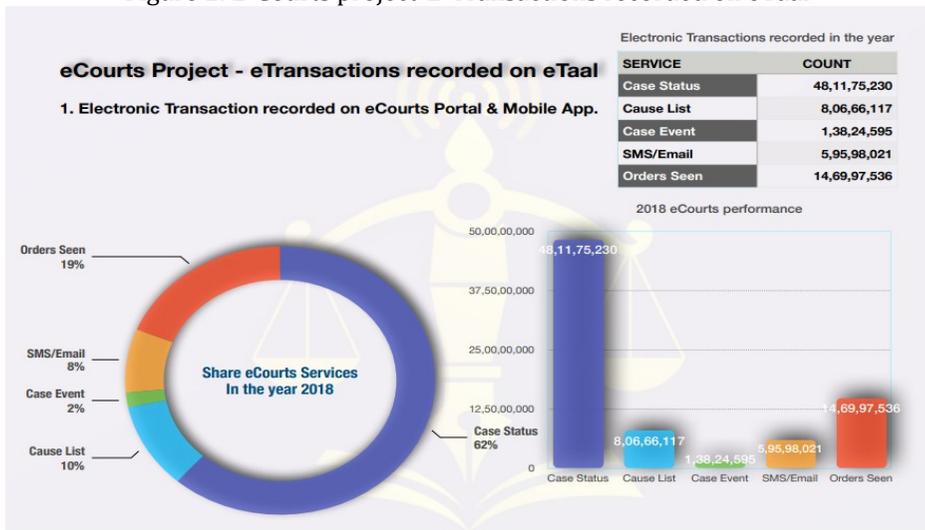
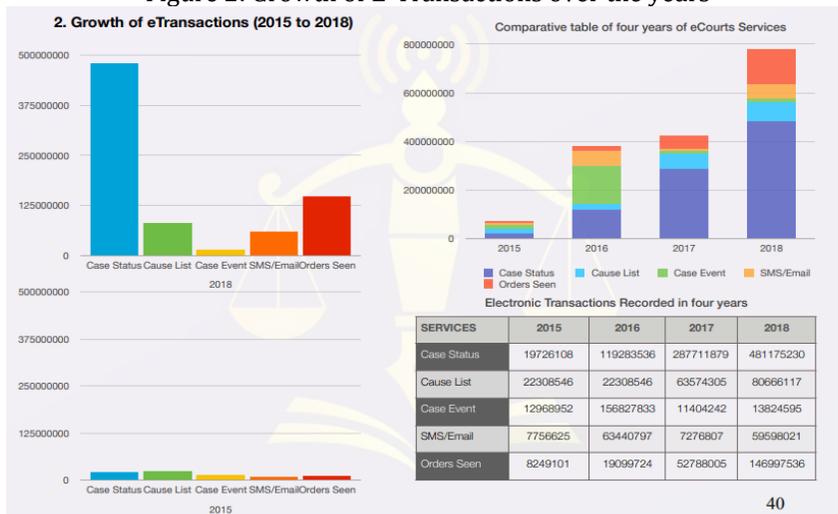


Figure 2: Growth of E-Transactions over the years



CONCLUSION:

Introduction of e-Courts is a revolution in the Judicial Systems of India. Many improvement due to the implementation of e-Court for judicial delivery have been proved over the years. With eCourts project the dream of having more transparency and accountability into Indian Judiciary is true now. The e-Courts project has played an important role in enabling ease of doing business in the country through automation

and technology enablement leading to generation of reports, and putting electronic case management tools in place for use by judges and lawyers to track the status of a given case, access court orders and decisions on a given case as well as automatic generation of a hearing schedule for all cases on the judge docket. However, there are many obstacles and challenges to be addressed for the successful implementation of e-courts mission mode project.

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